Permit No. WA-000323-9
Issuance Date: June 30, 2003
Effective Date: July 1, 2003
Expiration Date: April 30, 2008
1st Modification Date: June 3, 2005
2nd Modification Date: November 3, 2005
3rd Modification Date: XXXX

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-000323-9

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

PARAMOUNT PETROLEUM CORPORATION
14700 Downey Avenue
Paramount, CA 90723

Facility Location: Richmond Beach Asphalt Plant and Terminal 20500 Richmond Beach Drive NW Richmond Beach, WA 98177 Snohomish County Cedar/Green WQMA	Receiving Water: Puget Sound Discharge Location: Latitude: 47° 47' 04" N Longitude: 122° 23' 40" W
Water Body I.D. No.: WA-PS-0240	Industry Type: Asphalt Plant and Terminal

is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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GENERAL CONDITIONS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Condition sections of the permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Quarterly	
S5.B.	Acute Toxicity Compliance Monitoring Reports	Semi-annually (first-2 years); Annually thereafter	Within sixty (60) days after each subsequent sampling event
S6.B.	Chronic Toxicity Compliance Monitoring Reports	Semi-annually (first -2 years); Annually thereafter	Sixty (60) days following each subsequent sampling event
S7.	Outfall Evaluation	1/permit cycle	April 30, 2008
S8.	Updated Treatment System Operating Plan	1/permit cycle	December 30, 2003
S9.	Updated Spill Plan	1/permit cycle, updates should be submitted as necessary	December 30, 2003
G7.	Application for Permit Renewal	1/permit cycle	One hundred and eighty (180) days before permit expiration

SPECIAL CONDITIONS

S1. EFFLUENT LIMITATIONS

A. Discharge Limits

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge treated industrial wastewater to Puget Sound at the permitted location, Outfalls 001 and 003, subject to meeting the following limitations. The point of compliance for Outfall 001 shall be the outlet of the Quadricell, and for Outfall 003 shall be the last catch basin prior to discharge to Outfall 003.

EFFLUENT LIMITATIONS: OUTFALL # 001 and 003	
Parameter	**Maximum Daily[a]**
Flow ~~(process water)~~	650 gpm (0.94 MGD) ~~34,000 gpd~~
Phenolic Compounds	1 mg/L
TSS	45 mg/L
Oil & Grease	15 mg/L
pH	Between 6 and 9 standard units
Benzene	71 µg/L
TPH-G	1 mg/L
TPH-D	5 mg/L
~~TR = Total Recoverable~~	
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.	

B. Wastewater from Upper Industrial Area's Concrete Pad

Wastewater generated from industrial activities on the designated concrete pad or rain water coming in contact with industrial supplies/equipment stored on the designated concrete pad is hereby prohibited to discharge to surface water. All industrial supplies/equipment stored on the designated concrete pad area must be covered. Contaminated equipment from off-site activities is prohibited to be stored on-site.

C. Mixing Zone Description

The following chronic and acute mixing zones are authorized for zinc, copper, acute toxicity, and chronic toxicity. The boundaries of the chronic and acute mixing zones are defined as follows:

- The depth of the mixing zone is the depth of the 8-inch diameter outfall below the water surface (11 feet);
- The zone of chronic criteria exceedance is defined as not greater than 211 (200 feet plus 11 feet water depth) feet in any horizontal direction from the outfall; and
- The zone of acute criteria exceedance is defined as not greater than 21 feet in any horizontal direction from the outfall.

S2. TESTING SCHEDULE

A. Monitoring Schedule

The Permittee shall monitor the wastewater for Outfall 001 at the Quadricell outlet and for Outfall 003 at catch basin #2 and 3 as depicted on attached Figure 1, and prior to discharge to Puget Sound according to the following schedule:

Tests	Sampling Frequency	Sample Type	Outfalls	Test Method[a]
Flow	Daily	Continuous	001	Metered/estimated
TSS	Monthly	Composite[c]	001	160.2
Oil and Grease	Monthly	Grab	001, 003	1664
No Visible Sheen	Batch	Inspection	001, 003	Visual
Phenolic Compounds	Monthly	Grab	001	420.2 or 420.1
TPH-G	Quarterly	Grab	001	NW TPH-G_x
TPH-D	Quarterly	Grab	001	NW TPH-D_x
Copper (TR)	Monthly[f]	Grab	001	200.7, or 200 series
pH	Weekly	Grab	001	150.1
Benzene	Monthly	Grab	001	624 or 8020 or 8260B
BTEX[b]	Quarterly	Grab	001	624 or 8260 B
Zinc (TR)	Monthly	Grab	001	200.7, or 200 series
Pentachlorophenol	Monthly[f]	Grab	001	8270 modified, or 8580B/8151 modified, or 610
Nickel (TR)	Monthly[f]	Grab	001	200.7
Priority Pollutant Scan[e]	Once per permit cycle	Composite[c,d]	001, 003	625, 624, 608, 200, 335.2 or 8270, 8260, 6000/7000 (metals)
Wet Testing	Semi-annually (2 years); Annually thereafter	Grab	001	(See Permit Conditions S5 and S6)

~~TR = Total Recoverable~~

[a] Method listed refers to "Methods for Chemical Analysis of Water and Wastes," U.S. Environmental Protection Agency, EPA-600/4-79-020, March 1979. See 40 CFR 136.3 (Table IB) for equivalent methods.

[b] BTEX means the sum of concentrations of benzene, toluene, ethylbenzene, and xylene. Each parameter is to be reported separately.

[c] Composite samples shall be a combination of at least four representative grab samples of a fixed volume collected at equal time intervals throughout the normal working day. Automatically time-composited samples are preferred over manually collected samples.

[d] Samples collected for volatile organic analysis shall be grab samples.

[e] A priority pollutant scan includes: semivolatiles (organic acid extractables and organic base-neutral extractables), volatile organic analysis and metals, with the exception of pesticides and PCB's. For a complete list of priority pollutants, see Appendix A of 40 CFR 136. Metals include total arsenic, cadmium, copper, lead, mercury, nickel, silver, and zinc. Metals analysis shall be for total recoverable using AA furnace, unless the metal can be quantified using ICP (except cold vapor for mercury).
[f] The Permittee shall conduct two-monthly sampling for copper, pentachlorophenol and nickel. The analytical data shall be submitted to the Department for review. The data will be used to evaluate a reasonable potential to exceed the acute marine water quality criteria for those parameters.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality. Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three (3) years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories,* Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. The detection limit use for each parameter shall be less than the effluent limits set in Special Condition S1 of this permit, and/or the water quality criteria.

S3. MONITORING AND REPORTING

The Permittee shall monitor and report in accordance with the following conditions.

A. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department. Monitoring shall be started on the effective date of the permit. Monitoring results obtained during the previous three (3) months shall be reported on the monthly forms (EPA 3320-1) as provided, or otherwise approved, by the Department, and submitted no later than the 30th day of the month following the completed reporting period. Priority pollutant analysis data shall be submitted no later than thirty (30) days following the reporting period. One set of DMR's shall be completed for each month. The report shall be sent to:

WA State Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, Washington 98008-5452

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, the Permittee is required to submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC.

The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S5. ACUTE TOXICITY

A. Effluent Limit for Acute Toxicity

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Section S1.B of this permit. The ACEC equals 11% ~~10%~~ effluent.

In the event of failure to pass the test described in Subsection B of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in Subsection C are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for acute toxicity. The acute toxicity tests shall be performed using at a minimum 100% effluent, the ACEC, and a control. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. Testing shall begin within sixty (60) days of the permit effective date. A written report shall be submitted to the Department within sixty (60) days after the sample date. The percent survival in 100% effluent shall be reported along with all compliance monitoring results.

Compliance monitoring shall be conducted semi-annually for the first-two years of the permit, and annually thereafter if the toxicity data indicates compliance with the ACEC limit above, using each of the species and protocols listed below on a rotating basis:

1. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F).
2. Topsmelt, *Atherinops affinis*, or Silverside minnow, *Menidia beryllina* (96-hour static-renewal test, method: EPA/600/4-90/027F and EPA/600/R-95/136 or EPA/600/4-91/003)

The testing with topsmelt or silverside minnow may be timed to combine the acute and chronic fish testing by determining 96-hour survival in a 7-day chronic test.

The Permittee is in violation of the effluent limit for acute toxicity in Subsection A and shall immediately implement Subsection C, if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

C. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If a toxicity test conducted for compliance monitoring under Subsection B determines a statistically significant difference in response between the ACEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the ACEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for acute toxicity as described in Subsection B. The discharger shall return to the original monitoring frequency in Subsection B after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Department will issue an administrative order to require submission of a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department based on WAC 173-205-100(2). The Department will issue a second administrative order to require implementation of the TI/RE in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection B and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC. The ACEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.

8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S6. CHRONIC TOXICITY

A. Effluent Limit for Chronic Toxicity

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Section S1.B pursuant to WAC 173-201A-100. The CCEC equals 3.4% ~~3.1%~~ effluent.

In the event of failure to pass the test described in Subsection B of this section for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in Subsection C are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for chronic toxicity. The chronic toxicity tests shall be performed using at a minimum the CCEC, the ACEC, and a control. Chronic toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. Testing shall begin within sixty (60) days of the permit effective date. A written report shall be submitted to the Department within sixty (60) days after the sample date. This written report shall contain the results of hypothesis testing conducted as described in this subsection using both the ACEC and CCEC versus the control.

Monitoring to determine compliance with the effluent limit shall be conducted semi-annually for the first-two years, and annually thereafter if toxicity data indicates compliance with the CCEC limit above, using the most recent version of the referenced protocols and rotating between one of the following fish species and echinoderm species:

Saltwater Chronic Toxicity Test Species		**Method**
Topsmelt or Silverside minnow	*Atherinops affinis* or *Menidia beryllina*	EPA/600/R-95/136 or EPA/600/4-91/003
Sea urchin	*Strongylocentrotus purpuratus*	EPA/600/R-95/136
Sand dollar	*Dendraster excentricus*	EPA/600/R-95/136

The Permittee shall use the West Coast fish (topsmelt, *Atherinops affinis*) for toxicity testing unless the laboratory cannot obtain a sufficient quantity of a West Coast species in good condition in which case the East Coast fish (silverside minnow, *Menidia beryllina*) may be substituted. The chronic toxicity testing with fish may be timed to be combined with the acute toxicity testing with fish. If the fish testing is combined, then the Permittee shall instruct the lab to report 96-hour survival from the 7-day chronic test.

The sea urchin and sand dollar (echinoderm) test shall be run in accordance with EPA/600/R-95/136 and the echinoderm fertilization test conditions in the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* or most recent version thereof.

The Permittee is in violation of the effluent limit for chronic toxicity in Subsection A and shall immediately implement Subsection C, if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

C. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under Subsection B determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in Subsection B. The discharger shall return to the original monitoring frequency in Subsection B after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Department will issue an administrative order to require submission of a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department based on WAC 173-205-100(2). The Department will issue a second administrative order to require implementation of the TI/RE in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection B and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the CCEC and the ACEC. The CCEC and the ACEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.

8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S7. OUTFALL EVALUATION

The Permittee shall inspect, the outfall line including the submerged portion of the outfall line to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. The inspection report shall be submitted to the Department no later than April 30, 2008.

S8. TREATMENT SYSTEM OPERATING PLAN

An updated Treatment System Operating Plan (TSOP) shall be submitted to the Department by December 30, 2003. This plan shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

The plan shall include, but is not limited to, the following:

- A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of S1 at the production levels used in developing these limitations.
- In the event of production levels which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.
- A description of any regularly scheduled maintenance or repair activities at the permitted facilities which would affect the volume or character of the wastes discharged; a list including quantities and chemical compositions of any maintenance-related substances (such as cleaners, degreasers, solvents, etc.) that will be discharged, and a plan for monitoring and treating/controlling the discharge of maintenance-related materials.

S9. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan by December 30, 2003.

The updated Spill Control Plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The Permittee shall submit to the Department an update to the existing Stormwater Pollution Prevention Plan (SWPPP) with the permit reapplication required in General Condition G7.

The Permittee shall modify the existing SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least thirty (30) days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

S11. BEST MANAGEMENT PRACTICES

1. The oil/water separators and catch basins located on the upper industrial area shall be inspected on a weekly basis at minimum and maintained as needed to ensure satisfactory performance. Oil sludges shall be disposed of in a manner that will not cause water quality degradation to state waters. A record of inspection, maintenance, and disposal shall be kept on file and available for review by the Department.

2. All stormwater runoff from the containment tank farm shall be directed to the existing treatment system prior to discharge.

3. All detergent washing of vehicles shall be conducted on established wash racks which drain into the sanitary sewer.

4. In the event of an accidental discharge of oil, chemicals, toxic or hazardous materials into waters of the state or onto land with a potential for entry into state waters, including groundwater, representatives of the Northwest Regional Office Spill Response Team shall be notified immediately (within 24 hours) at (425) 649-7000. A written spill report shall be submitted to the Department of Ecology, Water Quality Program, within five (5) days of the time the Permittee becomes aware of the circumstances, unless the Department waives or extends this requirement on a case-by-case basis.

5. No emulsifiers or dispersants and no fire suppression foam agents and wash water shall be released to the oil/water separators.

6. Contained, collected, or accumulated oils and solvents shall be discharged directly to the waste oil tank and not discharged to the oil/water separators or any sewer systems. Records or manifests for the waste oil disposal (hauling) shall be kept on-site and made available for inspection.

7. A daily inspection shall be conducted in the tank farm for leaks and spills.

8. Sludges, scales, and sediments from tanks shall be disposed of in an approved manner other than to waters of the state, and other than to the sanitary sewer system.

9. All barrels, drums, or similar containers containing toxic or deleterious materials, including, but not limited to petroleum products, organic solvents, resins, strong acids and bases, cyanides, and heavy metal salts, shall be stored in an upright position, in a bermed, covered area sufficient to prevent discharge into state ground or surface waters in the event of leakage or rupture.

10. Empty barrels shall be stored with all openings plugged, in an upright position, and at least twenty feet from a storm drain.

11. All supplies or equipment related to industrial activities not otherwise defined in this permit shall be stored on the designated concrete pad or in containment areas located throughtout the facility. Contaminated equipment from off-site activities shall not be stored on-site. Any waste or rinse water generated from decontamination activities, or stormwater coming in contact with industrial supplies/equipment shall be collected from the concrete decontamination pad and disposed of properly to a licensed wastewater recycler, or hauled off-site for proper disposal.

S12. UNANTICIPATED DISCHARGES

Beginning on the effective date of this permit, the Permittee may discharge nonroutine wastewater on a case-by-case basis. Prior to any such discharge, the Permittee shall contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.

2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.

3. The total volume of water expected to be discharged.

4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents specified by the Department. All discharges must comply with the effluent limitations established for Outfall 001, water quality standards, sediment management standards, and other limitations deemed necessary by the Department.

5. The rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will cause erosion of ditches or structural damage to culverts and their entrances or exits. The Permittee is responsible to contact the city to obtain the maximum acceptable discharge rate.

The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharged. Authorization from the Department will be by letter to the Permittee or by an administrative order.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative, only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred and eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred and eighty (180) days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
2) the permitted facility was being properly operated at the time of the upset;
3) the Permittee submitted notice of the upset as required in Condition S3.E; and
4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

1. One hundred micrograms per liter (100 μg/l).
2. Two hundred micrograms per liter (200 μg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

1. Five hundred micrograms per liter (500 μg/L).
2. One milligram per liter (1 mg/L) for antimony.
3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

G24. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.